

State of Kansas

## Mobile Device Policy

Procedural Guidelines      Policy and procedures applicable to the work-related use of mobile devices

Office of Information Technology Services & Department of Administration

Effective Date      December 10, 2014

The purpose of this administrative policy is to establish statewide standards and guidelines for the eligibility, use, and responsibilities related to State of Kansas (state) issued mobile devices and reimbursement for personal mobile device.

The state recognizes that the day-to-day operations of the workforce require voice and data communications and that there is often a need to communicate when access to a regular telephone or computer is unavailable. The state acknowledges that, for certain employees, there are substantial business reasons, other than providing compensation, that require state employees' usage of personal mobile phones, smartphones, or other mobile devices in connection with carrying out the state's business services. In these instances, mobile devices are a valuable resource for certain personnel to conduct state business in an effective and timely manner. The need and use of mobile devices and services provided in whole or in part with public funds must be in direct support of the assigned duties and responsibilities of the user and support the delivery of state services. An employee's use of such technology shall be consistent with the specific requirements set forth in this directive to ensure appropriate, efficient, ethical, and legal use of mobile devices.

Mobile Device is defined as all cellular phones, smartphones, tablets, iPads, PDAs, etc. that are capable of making phone calls and/or accessing any or all of the following: e-mail, internet, state servers, or state owned documents or systems.

Generally, the use of mobile devices should be selected secondary to other means of communication - e.g., land-lines, computers, push-to-talk devices and radio devices - when such alternatives would provide adequate but less costly service to the State.

Wireless transmissions should not be considered secure. Therefore, employees using state-issued mobile devices or personally owned mobile devices to conduct state business shall install the state selected mobile device management product and should use discretion in relaying confidential information. Reasonable precautions should be made to prevent vandalism, equipment theft, improper use, and unauthorized access. All mobile

devices that are being used for state business must have a passcode or password to lock the device.

The state reserves the right to monitor use of all state-issued mobile devices.

Agency heads are responsible for designating employees to receive state-issued mobile devices or the reimbursement for the use of personal mobile devices. Mobile device allowances other than reimbursements are prohibited.

The mobile device reimbursement is designed to offset the cost to the employee for using his/her personal device for State business. The amount of the monthly mobile device reimbursement shall be capped at a not to exceed rate of \$30.00 per employee.

The approved mobile device reimbursement will be paid monthly and included in the employee's paycheck. The reimbursement will not be considered as taxable income to the employee as it is a reimbursement for the business use of an employee's personal mobile device. This reimbursement does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.

An employee receiving a state-issued mobile device or a mobile device reimbursement is required to provide his/her mobile device number to department directors, supervisors, and when appropriate, co-workers and other state officials. An employee receiving a mobile device reimbursement must notify his/her supervisor within five (5) business days if the number changes. Additionally, the employee is required to allow OITS to install the state selected mobile device management product onto the employee's personal device prior to accessing state email or systems or conducting state business. In the event the personal use of the mobile device violates state security policies, access to state information and systems on those personal devices will be immediately terminated and reimbursement ceased.

More than de minimis personal use of a state-issued mobile device without written authorization by the appropriate agency head is prohibited except in emergencies. Overage costs related to excessive data, voice and text usage may result in disciplinary action and the mandatory repayment of the overage amount is the financial responsibility of the state employee, over and above the base service plan rate. Misuse of a state-issued mobile device may result in revocation of the device and possible disciplinary action against the employee pursuant to K.S.A. 75-2949.

Each state employee receiving a state-issued mobile device or a reimbursement for a personal mobile device shall acknowledge in writing that they shall abide by the state mobile device policy.

In the event of termination from state employment, employees are responsible for the return of or reimbursement for all state-issued property, including but not limited to state-issued mobile devices.

An excessive use of a personal mobile device for personal use during duty hours is prohibited. An employee receiving a mobile device reimbursement is solely responsible for acquiring his/her own mobile device, replacing the batteries, maintaining the device, and paying the mobile device bill along with all applicable taxes, penalties, and fees.

An employee receiving a mobile device reimbursement is solely responsible for replacing his/her personal mobile device within five (5) business days if it is stolen, lost, or damaged. The employee must notify the state immediately of any lost or stolen device so the state may take any action against unauthorized access to state information or systems.

An employee receiving a mobile device reimbursement must maintain an active mobile device contract as long as the reimbursement is in place. When specified by his/her director, an employee may be expected to carry the mobile device on his/her person both on and off duty and respond when called for state business.

An employee receiving the monthly mobile device reimbursement that is required to access state email or systems on their personal mobile device shall purchase equipment compatible with Microsoft Exchange 2010 or later and ActiveSync or equivalent technology. The Office of Information Technology Services shall notify employees upon any changes to compatibility standards. OITS currently supports iPhone (iOS), Android, and Windows smartphones. An employee should contact OITS if considering any other device operating system types.

State business-related calls or data on an employee's personal mobile device may become the subject of a contention that it is subject to disclosure requests under the Kansas Open Records Act, if the Act is deemed to apply in those circumstances. Employees should follow the requirements of policies and directives related to open records, state business-related records, and records retention. All non-state business on an employee's personal mobile device shall remain private and not subject to disclosure.

Employees receiving a mobile device reimbursement may choose a provider and plan design of their choice. Because the employee owns the mobile device, the employee may use the device for both business and personal purposes, as needed. Use of the device in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the reimbursement. If prior to the end of the mobile device contract, a decision by the employee, or employee misconduct, or misuse of the device, results in the mobile device reimbursement being discontinued, or the need to end or change the mobile device contract, the employee will bear the costs of all fees associated with that change or cancellation. For example, if an employee resigns, and no longer wants to retain the current

mobile device contract for personal purposes, any cancellation charges will be the employee's responsibility.

Employees receiving a mobile device reimbursement are responsible for notifying the state immediately if the monthly bill is less than the state reimbursement and, upon request by the state, providing recent mobile device billing statements. Personal phone use may be redacted from the billing statements. Employees will be required to acknowledge this information annually through the security policy statements.

Non-exempt or hourly employees receiving a mobile device reimbursement will not be expected to utilize their mobile devices for business purposes outside of business hours, unless otherwise stated in their job responsibilities, directed by a manager, or if the employee is "on call."

Employees violating this policy may be subject to disciplinary action in accordance with the provisions of K.S.A. 75-2949, including but not limited to, K.S.A. 75-2949e(a)(3) "careless, negligent or improper use of state property," or K.S.A. 75-2949f(1) "refusal to accept a reasonable and proper assignment from an authorized supervisor.

Agency heads, or their designees, shall regularly review individual bills of state-issued mobile devices to monitor use and compliance with this directive.

Departments directors, or their designee, shall terminate the monthly mobile device reimbursement to an employee upon termination, transfer to another State department, change in job duties and responsibilities, or device inactivation.

The Office of Information Technology Services is responsible for procuring, activating, servicing, and disposing of all state-issued mobile devices.

At least annually, agencies shall review state-issued mobile device utilization and costs to ensure that mobile devices are assigned efficient service plans. Additionally, agencies shall review for approval all designations recommended by department directors on an annual basis to verify employee eligibility and mobile device reimbursement amounts.